

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZCAP EQUITY FUND LLC and ROSS
MARCHETTA, individually and on behalf of all
others similarly situated,

Plaintiffs,

- against -

LUXURBAN HOTELS INC., BRIAN
FERDINAND, and SHANOOP KOTHARI,

Defendants.

Case No. 1:24-cv-01030-PAE

**DECLARATION OF DOUGLAS W. GREENE IN SUPPORT OF DEFENDANTS’
MOTION TO DISMISS THE AMENDED COMPLAINT**

DOUGLAS W. GREENE declares under penalty of perjury, pursuant to 28 U.S.C. § 1746,
as follows:

1. I am a partner at the law firm of Baker & Hostetler LLP, counsel for Defendants LuxUrban Hotels Inc. (“LuxUrban” or the “Company”) Brian Ferdinand, and Shanoop Kothari (the “Defendants”). I submit this Declaration and the exhibits hereto, in connection with the Defendants’ Request for Judicial Notice and in support of the Defendants’ Motion to Dismiss the Amended Complaint.

2. Attached hereto are true and correct copies of:

- a. **Exhibit 1:** LuxUrban’s excerpted prospectus, filed with the SEC on August 15, 2022;
- b. **Exhibit 2:** LuxUrban’s excerpted 2022 Form 10-K, filed with the SEC on March 31, 2023;
- c. **Exhibit 3:** LuxUrban’s press release, published on *Business Wire* on May 9, 2023;

- d. **Exhibit 4:** LuxUrban's Form 8-K and attached press release, filed with the SEC on May 9, 2023;
- e. **Exhibit 5:** LuxUrban's Form 10-Q, filed with the SEC on May 9, 2023;
- f. **Exhibit 6:** LuxUrban's Form 8-K and attached press release, filed with the SEC on May 17, 2023;
- g. **Exhibit 7:** Forms 4, filed by LuxUrban on behalf of Mr. Ferdinand with the SEC during the class period;
- h. **Exhibit 8:** Forms 4, filed by LuxUrban on behalf of Mr. Kothari with the SEC during the class period;
- i. **Exhibit 9:** LuxUrban's Form 8-K and attached presentation, filed with the SEC on May 22, 2023;
- j. **Exhibit 10:** LuxUrban's Form 8-K and attached press release, filed with the SEC on August 8, 2023;
- k. **Exhibit 11:** LuxUrban's Form 10-Q, filed with the SEC on August 8, 2023;
- l. **Exhibit 12:** Transcript of the Q2 2023 earnings call, held on August 9, 2023;
- m. **Exhibit 13:** LuxUrban's Form 10-Q, filed with the SEC on November 8, 2023;
- n. **Exhibit 14:** LuxUrban's press release, published on *Business Wire* on November 30, 2023;
- o. **Exhibit 15:** LuxUrban's Form 8-K, filed with the SEC on December 5, 2023;
- p. **Exhibit 16:** LuxUrban's press release, published on *Business Wire* on January 12, 2024;
- q. **Exhibit 17:** *Bleecker Street Research* "LuxUrban Hotels (LUXH): The Bed Sheets Should Be Made Out Of Red Flags," published on January 17, 2024;
- r. **Exhibit 18:** LuxUrban's press release, published on *Business Wire* on January 17, 2024;
- s. **Exhibit 19:** Excerpted lease agreement for the James Hotel, located at 22 East 29th Street New York, NY, entered into by LuxUrban RE Holdings LLC and 88 Madison Hotel Fee Owner, January 30, 2024 execution copy, publicly filed as an exhibit in *LuxUrban v. 88 Madison Hotel Fee Owner, LLC*, No. 651800/2024 (NY Sup. Ct., April 12, 2024), Dkt. #9;
- t. **Exhibit 20:** LuxUrban's Form 8-K and attached press release, filed with the SEC on February 5, 2024;

- u. **Exhibit 21:** Transcript of LuxUrban’s analyst/investor day call, held on February 6, 2024;
- v. **Exhibit 22:** LuxUrban’s Form 8-K and attached presentation, filed with the SEC on February 6, 2024;
- w. **Exhibit 23:** Ciara Long and Ethan Rothstein, “Dogged By ‘Mistakes,’ \$1.2M Fine, Lawsuits And A Short Seller, Hotel Chain Shakes Up Leadership,” *Bisnow*, March 12, 2024;
- x. **Exhibit 24:** LuxUrban’s excerpted 2023 Form 10-K, filed with the SEC on April 15, 2024;
- y. **Exhibit 25:** Transcript of LuxUrban’s full-year 2023 earnings call, held on April 16, 2024;
- z. **Exhibit 26:** Ciara Long, “Wyndham Removes Beleaguered LuxUrban Hotels From Its Platform,” *Bisnow*, May 10, 2024;
- aa. **Exhibit 27:** LuxUrban’s Form 10-Q, filed with the SEC on May 13, 2024; and
- bb. **Exhibit 28:** LuxUrban’s Amended Form 10-Q, filed with the SEC on August 20, 2024.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 20th day of December, 2024 in New York, New York.

/s/ Douglas W. Greene
Douglas W. Greene